

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) No. 10 CR 496
)
)
ROCEASER IVY,)
)
)
Defendant.)

MEMORANDUM ORDER

During the October 24 status hearing in this case, counsel for the parties advised that a potential guilty plea was under consideration and that they contemplated that, after further discussion and within a short period of time a draft plea agreement would be presented to this Court for review. This Court responded by referring to the need to provide such a draft to permit the exclusion of time under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(1)(G),¹ now that the effort by defense counsel to question this District Court's jury qualification and selection process had been withdrawn.

Later on October 24 Assistant United States Attorney Christopher McFadden transmitted a letter to defense counsel, with a copy to this Court, pointing out that copies of a draft plea agreement had indeed been tendered to defense counsel and this Court over a year ago (on September 23, 2010), so that

¹ All further references to Title 18's provisions will simply take the form "Section--."

Speedy Trial Act exclusions of elapsed time had been appropriate ever since then (with only two days having been run off the 70-day clock before that September 2010 date). Government counsel is entirely correct--so much time had elapsed since that year-ago delivery, and so much time and effort had been devoted by counsel and this Court alike to the now-abandoned jury selection issues, that there had been no occasion for this Court to go back to examine the earlier history of the litigation.

Accordingly this Court vacates its October 24 determination of the case's status under the Speedy Trial Act. Because of the continued operation of Section 3161(h)(1)(G), it remains true that only two days have elapsed (and only the same two days will have elapsed by the next status hearing date on November 28, 2011), that have not been covered by proper exclusions of time.



Milton I. Shadur
Senior United States District Judge

Date: October 26, 2011